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July 10, 2014

The Honorable Judge Henry T. Wingate
United States District Court
Southern District of Mississippi, Jackson Division
501 East Court Street, Suite 6.750
Jackson, MS 39201

Re: Case No. 3:14-cv-00532-HTW-LRA; *True the Vote, et al v. The Honorable Delbert Hosemann*; In the United States District Court, Southern District of Mississippi, Jackson Division.

To the Honorable Judge Wingate:

On July 9, 2014, Plaintiffs filed a Motion for Temporary Restraining Order, requesting that the Court issue an immediate Order to all Defendants requiring them to preserve certain voting records and make such records available for public inspection, copying and review. We provided copies of the motion to Mr. Nosef, counsel for the Mississippi Republican Party, the Honorable Delbert Hosemann and each circuit clerk of the county election commissions named as defendants in the suit. We note the Court has scheduled a teleconference on the above referenced matter for 9:00 am on Friday, July 11, 2014, and we appreciate the Court's attention to this case.

Plaintiffs provide this letter as an update to the Court in anticipation of the teleconference. Since the filing of Plaintiffs' pleadings, Mississippi residents have come forward complaining that members of the Republican Party conducting the 2014 Senate Primary Run-Off have directed election volunteers to throw away the voting records. For example, Phillip Harding, a United States Air Force veteran and now Republican Party volunteer in retirement, witnessed the disposal of absentee ballot applications and envelopes at the direction of executive committee members. *See* Exhibit 1, Verification of Phillip Harding in Support of Motion for Temporary Restraining Order.

Further, on Wednesday, July 9, 2014, Mr. Hosemann issued a statement directing Mississippi circuit clerks to continue to redact dates of birth from voter records in accordance with Mississippi State law, although such information is not protected from public disclosure under the NVRA. *See Project Vote/Voting for America, Inc. v. Long*, 889 F.Supp.2d 778 (E.D.

Va. 2012) (Disclosure of voter registration applicants' address, signature, and birth date was required under plain meaning of National Voter Registration Act's (NVRA) disclosure requirement, and thus, that information could not be redacted prior to disclosure).

Federal and Mississippi law require voting records to be preserved and made available for public inspection. Once records are destroyed, they cannot be reviewed by the public for accuracy and compliance with applicable voting laws. The destruction of voting records may, therefore, irreparably impair our clients from voicing their complaints in this suit. Further, witnesses continue to come forward noting unlawful instances of double voting. *See e.g.* Exhibit 2 "Incident Report" by Susan Moore. Such statements evidence the significance of the suit and need for immediate attention to preserve the voters' constitutional rights.

Very truly yours,



L. Eades Hogue

LEH/KWM

cc:

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